

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

KRISTINA QUARLES

PLAINTIFF

V.

NO: 5:14CV00302 BSM/PSH

JULIA BRIGGS

DEFENDANT

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Proposed Findings and Recommendation have been sent to Chief United States District Judge Brian S. Miller. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Kristina Quarles filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on August 11, 2014. On January 26, 2017, after mail sent to Quarles at her address of record was returned as undeliverable, the Court entered an order directing Quarles to file a notice of her current mailing address within 30 days. Doc. No. 124. That order also warned Quarles that her failure to comply would result in the recommended dismissal of her complaint. More than 30 days have passed, and Quarles has not updated her address or otherwise responded to the order. Under these circumstances, the Court concludes that Quarles' complaint should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court's order. *See*

Miller v. Benson, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff Kristina Quarles' complaint be DISMISSED WITHOUT PREJUDICE for failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court's order.
2. The Court certify that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 3rd day of March, 2017.


UNITED STATES MAGISTRATE JUDGE